

Group IV (Claims 10-22, 24-32 and 40-46), drawn to methods for making SNO-Hb[FeII]O₂ and SNO-Hb[FeII], compositions comprising said SNO-Hbs, methods for regulating delivery of oxygen and NO in a mammal, methods for delivering NO in a mammal, methods for scavenging free radicals in a mammal, methods for reducing blood pressure in a mammal, methods for treating diseases and medical conditions in a mammal, methods for treating a human with sickle cell anemia, a blood substitute, methods for treating a disorder resulting from platelet activation, and methods for preventing thrombus formation. Applicants reserve the right to file subsequent applications or take such other appropriate action as deemed necessary to protect the inventions of Groups I-III and V-XIV.

GROUND FOR TRAVERSAL

Classification of Claims 35-39

Claims 35-39, drawn to methods for forming polynitrosated and polynitrated hemoglobin, and a composition comprising polynitrosated hemoglobin, have been classified as a separate group, Group VI, as distinct from the claims of Group IV. It is said by the Examiner (page 4, item no. 3 of Office Action) that "[t]he compounds and the methods of making thereof of Groups IV, VI, VII, X, XI and XII are patentably distinct, each from the other, compared to II and IV these groups contain different compounds or compositions containing compounds, which vary in chemical structure from one another and/or are capable of separate manufacture and/or use and/or possess different physicochemical properties."

The claims of Group IV and Group VI are not drawn to patentably distinct subject matter. Polynitrosated hemoglobin is a genus of compounds that includes species of nitrosylhemoglobins (NO bound at heme Fe) and SNO-hemoglobins (NO bound at thiols). For example, SNO-Hb[FeII]O₂ having 2 NO's per Hb tetramer is a form of polynitrosated hemoglobin. See the discussion in the